

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHNAS ORTIZ,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-206-SLR
)	
THOMAS LUNT, et al.,)	
)	
Defendants.)	

ORDER

WHEREAS, plaintiff, Johnas Ortiz, was a prisoner incarcerated at the Howard R. Young Correctional Institution, Wilmington, Delaware, at the time he filed his complaint under 42 U.S.C. § 1983, along with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;


WHEREAS, on April 6, 2006, this court entered an order granting leave to proceed in forma pauperis, requiring plaintiff to pay the \$250.00 filing fee as determined by statute, requiring plaintiff to pay an initial partial filing fee of \$8.00, but to date no payments have been made by plaintiff (D.I. 4);

WHEREAS, on March 23, 2007, the court received plaintiff's change of address indicating that he is no longer incarcerated (D.I. 33);

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7th Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed.Appx. 429 (3d. Cir. 2003).

THEREFORE, at Wilmington this 17th day of April, 2007, IT IS HEREBY ORDERED that within thirty days from the date of this order, plaintiff shall either pay the balance of the filing fee owed (\$250.00) or submit a new standard form application to proceed without prepayment of fees and affidavit so the court may determine whether he is still eligible to proceed in forma pauperis.

NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.


UNITED STATES DISTRICT JUDGE